

# Command and Control of Military Forces in the Homeland

By JEFFREY W. BURKETT

*To serve in the National Guard is to accept a dual mission. You can be called on to defend the country against enemies abroad, or to protect lives and property here at home in times of local emergency.<sup>1</sup>*

—Richard B. Cheney

**T**he U.S. military and state National Guard have a long and proud tradition of defending our nation from attack and assisting civil authority during times of crisis. Notwithstanding their primary Federal purpose of fighting wars, the frequency with which U.S. military forces are employed for missions related to homeland security has risen dramatically since 9/11. This change is understandable given the increase in the perceived and actual threat to the United States. The American military, which is one of the largest Federal investments, is arguably the most versatile organization in terms of capability and responsiveness. Fiscal appropriations by Congress for

its organizational structure, composition, and equipment are intended to satisfy the current National Military Strategy.

In an effort to streamline military roles and responsibilities for homeland defense<sup>2</sup> and civil support, several notable changes have taken place since 9/11. First, Presidential authority established U.S. Northern Command (USNORTHCOM) in 2002. Second, the National Guard reorganized itself at the state level and launched a series of homeland defense and security programs. Likewise, the National Guard Bureau (NGB) also transformed itself by improving its national coordinating ability and refining its supporting role for state governments and the national

defense community. Finally, Congress changed the Federal law (Title 32) that governs the National Guard to create the legal framework for the executive branch to employ the Guard in homeland defense and civil support actions.

Despite these and other initiatives, improvements to the ability to employ Federal military capacity in support of civil authorities are contentious, in part, because of a lack of state and Federal strategic cooperation over command and control (C<sup>2</sup>) authority. As a result, a political and operational rift has emerged in the state-Federal support relationship, creating the potential for a less than optimal response when the Department of Defense (DOD) provides support.

The lack of unity of effort between the National Guard and Federal military forces must be resolved. Natural disasters such as hurricanes, tornados, floods, and earthquakes repeatedly demonstrate that catastrophes can strike unexpectedly and may quickly overwhelm the ability of local, county, tribal, and state governments to respond. Incidents contained in national planning scenarios such as chemical, biological, radiological, nuclear, and high-yield explosive (CBRNE) events are also possible and may be even more overwhelming. It would be a tragedy if any state had difficulty in teaming with the Federal military if any of these scenarios occurred. This article examines the command and control of military forces in support of civil authority and recommends that the Title 32 dual-status command arrangement be mandated and institutionalized for all domestic military civil support responses, including no-notice catastrophes.

## Background

Recognizing the convergence and growing scope of state and Federal military

**Lieutenant Colonel Jeffrey W. Burkett, ANG, is a National Guard Plans, Policy, and Programs Advisor, North American Aerospace Defense Command and U.S. Northern Command.**



National Guard Bureau chief is briefed on wildfire locations during operations in California

U.S. Air Force (David J. Loeffler)

Report Documentation Page				Form Approved OMB No. 0704-0188	
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE <b>2008</b>		2. REPORT TYPE		3. DATES COVERED <b>00-00-2008 to 00-00-2008</b>	
4. TITLE AND SUBTITLE <b>Command and Control of Military Forces in the Homeland</b>				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) <b>National Defense University, Institute for National Strategic Studies, 260 Fifth Ave SW (BG 64) Fort Lesley J McNair, Washington, DC, 20319</b>				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT <b>Approved for public release; distribution unlimited</b>					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT <b>Same as Report (SAR)</b>	18. NUMBER OF PAGES <b>7</b>	19a. NAME OF RESPONSIBLE PERSON
a. REPORT <b>unclassified</b>	b. ABSTRACT <b>unclassified</b>	c. THIS PAGE <b>unclassified</b>			

domestic missions following 9/11, Congress amended Title 32 in the 2004 National Defense Authorization Act, permitting National Guard commanders to retain their state commissions after being ordered to Active duty. This change allows a National Guard officer to command both Federal and state forces simultaneously (dual-status) to preserve unity of command at the operational level. Within months of this legislative change, dual-status command arrangements were implemented in three national special security events and in support of the U.S. Customs and Border Protection's border patrol during Operation *Winter Freeze*. These operations were coordinated extensively among USNORTHCOM, NGB, and the National Guard and were viewed as successful examples of state and Federal military cooperation.

Building on this momentum, in 2005 Congress again amended Title 32, authorizing the Secretary of Defense to "provide funds to a Governor to employ National Guard units or members to conduct homeland defense activities."<sup>3</sup> With these laws in place, the opportunity to federally fund and decentrally leverage the National Guard under state authority for domestic operations was established. Together, these two amendments to Title 32 establish the framework for integrating state and Federal military efforts while preserving the principles of federalism. These actions also support the concept of an active, layered defense contained in the National Defense Strategy and reinforce DOD's homeland defense and civil support vision, which recognizes that "the National Guard is particularly well suited for civil support missions."<sup>4</sup>

Unfortunately, Federal military support of civil authorities since 9/11 is proving to be more complicated than anticipated. Regardless of how effective USNORTHCOM is in providing support to civil authorities, it is wasted effort if this support does not advance state and Federal civil support goals simultaneously. The national consternation caused by the uncoordinated National Guard and Federal military response in the aftermath of Hurricane Katrina makes this point clear. The White House, Congress, multiple think tanks, and the public observed dysfunctional relationships and lack of unity of command and effort by Federal and state forces. To be sure, the military performed superbly at the tactical level, but according to the Executive Office of the President, at the strategic and operational level, "lack of an integrated command structure for both active duty and National Guard

forces exacerbated communications and coordination issues during the initial response."<sup>5</sup>

Louisiana Governor Kathleen Blanco's opposition to federalizing the state National Guard and her rejection of President Bush's offer to appoint an Active-duty officer instead of using a state National Guard officer as a dual-status commander highlight the clash between top-down (Federal) and bottom-up (state) philosophies. Some experts have argued that Hurricane Katrina is a political anomaly and should not be used for comparison. Nevertheless, Hurricane Katrina and the flooding of New Orleans constituted the first missed opportunity for USNORTHCOM and the National Guard to demonstrate the utility of a National Guard dual-status command for a no-notice event.

Regrettably, Hurricane Katrina is not the only example of a counterproductive struggle over the issue of C<sup>2</sup> authority. Other notable incidents reflecting confusion over C<sup>2</sup> authority include Hurricanes Rita and Wilma in 2005. These civil support actions illustrate how a subtle but significant degradation has occurred in the Federal-state relationship with respect to military support of civil authorities.

### **Polarizing Domestic Military Assistance**

After witnessing complications in the aftermath of Hurricane Katrina, Governor Rick Perry of Texas was determined to lead the Hurricane Rita response by retaining command and control over the Texas National Guard. In response to a White House request to establish an Active-duty officer as a dual-status commander, Governor Perry requested Presidential authorization for a Texas National Guard officer to be approved as a dual-status commander.<sup>6</sup> Hurricane Rita did not have the impact on Texas that Katrina had on Louisi-

The stalemate over C<sup>2</sup> left the impression with Governors and Guard members that National Guard dual-status commanders are not trusted to lead both state and Federal forces for a disaster response. By October 2005, Hurricane Wilma threatened Florida and created the perfect storm for a state and Federal showdown. Determined to be in place and ready to respond to any Federal Emergency Management Agency mission assignment, USNORTHCOM alerted the Fifth Army, under the command of Lieutenant General Robert Clark, and began planning to establish a joint task force (JTF) in Florida. USNORTHCOM never proposed a dual-status command arrangement. On discovering the pending deployment of Federal forces, Governor Jeb Bush of Florida called the Secretary of Homeland Security, Michael Chertoff, and complained that the Federal Government's unilateral actions were insulting to him personally and to the citizens of Florida.<sup>7</sup>

Two significant themes emerge from these events. First is the reluctance of a state to give up its sovereignty and authority during a crisis. Second is the state's desire to have its own National Guard commander in charge of *all* forces that are in support of a state response. More importantly, these cases illustrate a trend in the state-Federal relationship and offer evidence that Federal assistance can be viewed as a complicating factor rather than a solution even in a crisis. Where Federal military forces are concerned, it reflects an unacknowledged tension in USNORTHCOM's inability to integrate with the National Guard and seamlessly support state requirements during a contingency.

The strategic damage from a polarized Federal-state relationship cannot be overstated. Debating over command and control during a crisis wastes precious time and could result in future state rejection of Federal assistance.

---

*following 9/11, Congress amended Title 32, permitting National Guard commanders to retain their state commissions after being ordered to Active duty*

---

ana, and significant Federal military support was not required. Nevertheless, Governor Perry's request went unfulfilled, and unity of command under a dual-status arrangement never happened. Federal forces operating in Texas answered to the Federal chain of command that ran back to USNORTHCOM versus integrating with the state military response directly.

Moreover, current DOD policies that block operational integration of Federal military resources are counterproductive. In 2003, congressional foresight codified National Guard dual-status commands as essential to bridge the Constitution's division of responsibilities between the Federal and state governments. Dual-status command preserves Presidential and gubernatorial authority and leverages

the tremendous U.S. military capability for response in the homeland. Therefore, the question of why dual-status commands have not been wholeheartedly embraced for domestic military response after four successful experiences in 2004 must be examined.

### **C<sup>2</sup> in the Homeland**

Domestic emergency management doctrine is based on a tiered framework that originates at the local level and is progressively supported by additional response capability when needed. Since most emergencies are limited in scope and scale, this policy is generally successful. The benefits include rapid, efficient, and cost-effective responses meeting the needs of the American public for most situations. The

*Governor Jeb Bush complained that the Federal Government's unilateral actions were insulting to him personally and to the citizens of Florida*

bottom-up approach also encourages community resiliency and self-sufficiency at the local level. Regardless of the scale and scope of a disaster, four C<sup>2</sup> options are available to our military and civilian leadership.

**State Command.** The first option is state command and consists purely of National Guard

forces ordered to duty by a Governor. Every aspect of such National Guard employment is in accordance with state law and funded by the state. Several hundred Guardsmen around the Nation are in state Active-duty status every day performing state missions such as search and rescue, incident response, and critical infrastructure protection. These missions also provide a domestic deterrent against potential attackers and indirectly support the Nation's homeland defense and homeland security missions.<sup>8</sup> The other status that falls under state command is Title 32, by which Guardsmen perform duties to accomplish training for their Federal mission or execute operational missions approved by the Federal Government, such as counterdrug or homeland defense activities.

The use of state command employs a Joint Force Headquarters-State (JFHQ-State) providing command and control for all in-state National Guard forces. The JFHQ-State can also act as a joint Service headquarters for national-level response efforts during contingency operations.<sup>9</sup> In this role, the JFHQ-State will generate a tailored JTF to assume tactical control of National Guard units supporting emergency response requirements. For operations that demand a large response force or multiple unique military capabilities, subordinate JTFs may be generated. The C<sup>2</sup> diagram in figure 1 illustrates the simplicity of state-only coordination with multiple JTFs.

In the event that a specific military capability is not available in a state, assets may

be requested from other states through mutual aid agreements, the Emergency Management Assistance Compact (EMAC), other emergency assistance compacts, or the Stafford Act. The utility of states sharing National Guard capability as well as other resources was demonstrated during Hurricane Katrina. Moreover, several initiatives since 2005 have refined the EMAC coordination process, and today it is considerably more efficient.

Communication and coordination are provided in every JFHQ-State with an around-the-clock joint operations center, which provides situational awareness and a common operating picture to state and Federal stakeholders. Not only are all state joint operations centers capable of classified and unclassified operations, but they are also tightly integrated with state emergency operations centers and staffed with experienced personnel.

The primary advantages of the state command option include the preservation of state sovereignty over the response effort, detailed local area knowledge, clear lines of command, unity of effort, unity of command, avoidance of Posse Comitatus restrictions, and fast response times. With a state-only Guard response, Governors retain their constitutional authority and control. Additionally, this option maximizes familiarity with local conditions, resources, personalities, and organizations.

Because Governors' constitutional responsibilities span a range of issues from enforcement of civil order to protection of critical infrastructure, the National Guard is a powerful capability in supporting a Governor's ability to discharge the duties of office effectively. Figure 2 highlights equities against the National Defense Strategy and shows the range of possible duty statuses to reveal the overlapping state-Federal relationship. Viewed in this manner, it is apparent why every state considers essential programs such as Weapons of Mass Destruction Civil Support Teams, CBRNE Enhanced Response Force Packages, and National Guard Rapid Reaction Forces.

Activating a state command is relatively simple because state emergency management plans integrate the capabilities of state National Guard units and in some cases those of neighboring states. For example, Florida and Georgia have standing agreements for sharing resources in addition to the EMAC, which can tap resources nationally.

Another advantage of state command is that emergency management personnel, first responders, and Guardsmen at all levels are

**County sheriff briefs Wisconsin State National Guard officials on flood damage assessment**



U.S. Air Force (Paul Gorman)



typically highly networked and have a comprehensive understanding of the local political, geographic, social, cultural, and industrial environment. At the senior level of state government, the adjutant general, state emergency management director, and director of homeland security are usually members of the Governor's cabinet, and their respective organizations are tightly integrated. In several states, the adjutant general is triple hatted with all three responsibilities. In many other states, the adjutant general wears the hat of the emergency management director or the director of homeland security.<sup>10</sup>

Exercising a pure state command option creates an inherently fast National Guard response because Guard units are community based throughout the Nation. The ability to generate forces rapidly from over 3,200 locations nationwide is essential to being effective on the ground within the first 72 hours of a disaster. The fact that over 2,500 Guardsmen participated in the New York City response on 9/11 is proof of this statement. Finally, because the National Guard is a Reserve force, it provides a tremendous return on investment from a fiscal perspective. Because the majority of its members are part-time, and the full-time expenses associated with Active-duty personnel are avoided in steady-state operations, National Guard personnel costs are dramatically lower.

The key disadvantage of the state command option is that it cannot absorb Federal military capability under its authority. For example, under emergency response authority, Federal military forces can only coordinate with the National Guard because of separate legal authorities. The inherently limited statutory framework of the state command option means achieving true unity of effort is not possible. Lessons learned from Hurricane Katrina document this conclusion well.

**Parallel Command.** The second command option introduces Federal military forces under the command and control of USNORTHCOM. For civil support operations, the Federal military responds to DOD-approved requests that originate from an incident command within a state, and USNORTHCOM employs capabilities that operate in parallel with state Guard forces. The underlying assumption for this approach is that the Federal military is available and prepared to respond. Additionally, it is assumed that the National Guard will already be operationally engaged, given their proximity and ability to respond rapidly.

Parallel state/Federal commands have been used exclusively since Operation *Winter*

*Freeze* in 2004 for operations ranging from the deployment of Navy salvage divers to multiple JTFs with thousands of troops. In all cases, USNORTHCOM operates in support of a Federal agency responsible for an emergency

joint force commander. For larger responses, a dedicated JTF or a functional component command may be employed.

The advantage of this approach is the ability to employ the resources of the Federal

### *with a state-only Guard response, Governors retain their constitutional authority and control*

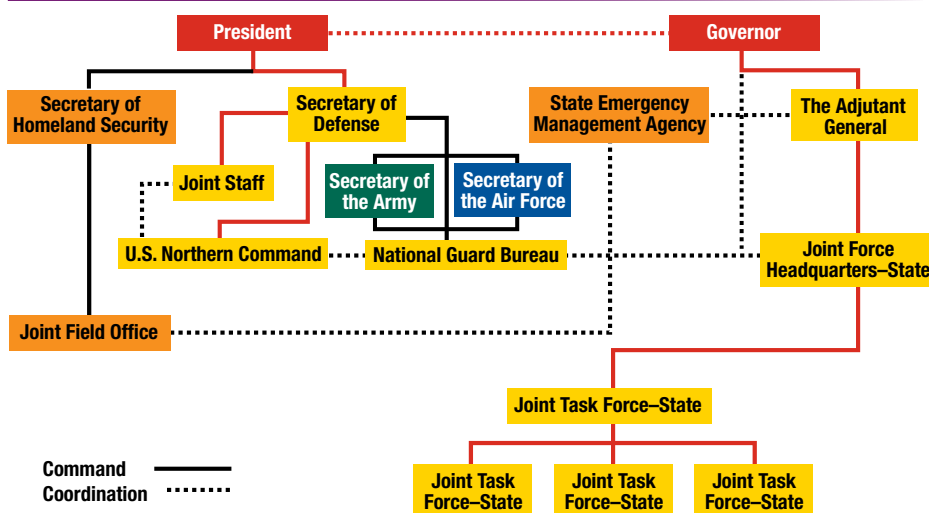
support function (ESF) with the exception of ESF-3, Public Works and Engineering, which is the responsibility of the Army Corps of Engineers. The Federal response usually only occurs in support of the already ongoing state response.

With respect to C<sup>2</sup>, the concept of operations is to match an appropriate structure to meet the span of control requirements for the magnitude of the requested response. For example, in a small-scale operation, the defense coordinating officer may act as a

military in support of a disaster response. As a combatant command, USNORTHCOM can coordinate and direct joint Federal military forces at the strategic level to support the affected state. Federal and state military chains of command, authorities, and accountability are clear from the tactical level up.

The disadvantage of a parallel command operation is the increased complexity of activity coordination due to the division of command at the operational level. State

**Figure 1. State Command and Control of National Guard**



Source: National Guard Bureau Briefing, March 30, 2007.  
Key: Red lines illustrate relative chain of command.

**Figure 2. Governor/State Equities**



Source: LTG H. Steven Blum, Chief, National Guard Bureau, Domestic Operations Conference, Las Vegas, NV, March 21, 2006.

sovereignty is not challenged because the Federal military JTF is executing mission assignments generated from the joint field office in support of a state requirement. Parallel command military operations can be problematic in the chaotic environment of a disaster recovery because control of information, timely decisionmaking, synchronization, interoperability, and situational awareness are degraded when command and control is divided. The generic parallel C<sup>2</sup> structure depicted in figure 3 illustrates the organizational divide and the high degree of effective coordination that must occur at the operational and tactical levels for this option to be effective.

Parallel command arrangements are contrary to both civil and military doctrine. Under the authority of Presidential Directive 5, *Management of Domestic Incidents*, the National Incident Management System and the Incident Command System explicitly recognize the need for unity of command to clarify reporting relationships and eliminate the confusion of multiple, conflicting directives.<sup>11</sup>

Additionally, Joint Publication (JP) 1, *Doctrine for the Armed Forces of the United States*, specifies, "Command is central to all military action, and unity of command is central to unity of effort."<sup>12</sup> Moreover, JP 3-16, *Joint Doctrine for Multinational Operations*, emphasizes that the use of a parallel command structure should be avoided if possible because of the absence of a single commander.<sup>13</sup> Despite the

universality of unified command doctrine and the authoritative nature of this guidance, the parallel command option has been employed with mixed results.

**Dual-status Command.** The dual-status command structure combines the advantages of the state command option and the parallel command option. The dual-status command structure addresses the unity of command dilemma directly. Under this construct, National Guard commanders on Title 32 status are ordered to Federal Active duty (Title 10 status), retaining their state commission when activated. This dual-status provides the statutory authority for one person to command both state and Federal military forces simultaneously. This permits the dual-hatted commander to control a unified military response at the operational level in support of the state. In figure 4, a notional dual-status command illustrates the chain of command beginning with the President and Governor. National Guard forces in state Active-duty or Title 32 status perform state missions under the authority of the Governor, and assigned Title 10 Federal forces perform defense support of civil authority for USNORTHCOM.

The advantages of the dual-status command include a Governor retaining authority over the response, clear lines of command, and the ability to integrate Federal military forces operationally to achieve unity of effort. Conversely, Presidential C<sup>2</sup> is preserved.

Every advantage previously described for the state command applies to the dual-status command. Additionally, it promotes the control of information, timely decisionmaking, synchronization, interoperability, and situational awareness for both state and Federal forces. This option also complies with the congressional intent of United States Code 32, Section 325 and JP 1 with respect to establishing unity of effort.

Another advantage of the dual-status command is that it has the ability to execute interstate operations with assigned Title 10 forces. This is possible because a dual-status

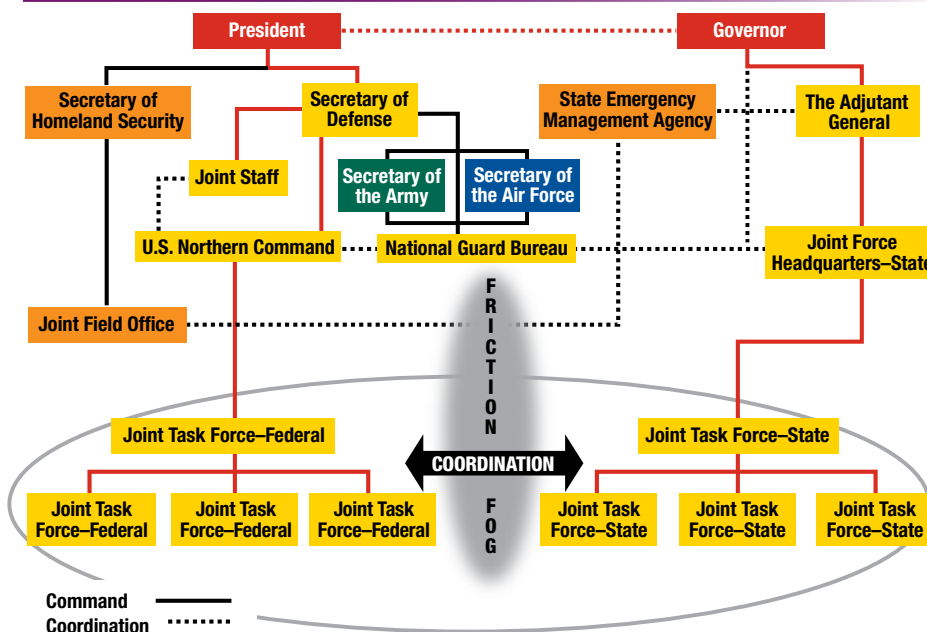
### parallel command arrangements are contrary to both civil and military doctrine

commander with Title 10 authority can operationally direct Title 10 assigned forces regionally. Disasters such as an earthquake along the New Madrid fault line, which would affect multiple Midwestern states, could be effectively managed with dual-status commands located in each state with assigned Federal military forces. The operational flexibility to direct Federal forces to wherever they are most needed regionally would reduce current interstate gaps and improve the application of military capability.

The disadvantages include the bureaucratic complexity of the present request process for dual-status approval, potential conflicting strategic level guidance, and separation of the legal lines of operation. For a dual-status command to be established, a commander must be authorized by the President and consented to by the Governor. Either sovereign executive may initiate the process. Conflicting strategic guidance can present problems for a dual-status commander. These unlikely conflicts would only originate between the President and a Governor, in which case a deadlock would require negotiation between both sovereign executives. Finally, a dual-status command risks utilizing state and Federal forces in operations prohibited by law. An example of this would be Federal forces performing law enforcement activities.

**Federal Command.** The final option is a pure Title 10 Federal command. In this arrangement, all National Guard forces are federalized and integrated with Active-duty forces under the command and control of USNORTHCOM. Resorting to this option is unlikely unless an extreme event unfolds and a state is completely

Figure 3. Parallel Command and Control



Source: Briefing, National Guard Bureau, March 30, 2007.  
Key: Red lines illustrate relative chain of command.

overwhelmed and local government ceases to operate. Under these conditions, the President is constitutionally obligated to restore public order and enforce the laws of the United States.

The concept of operations is to mobilize National Guard forces using the JFHQ-State and integrate them into the responding Federal JTFs or functional component commands illustrated in figure 5. The Federal Government unilaterally makes decisions, and Presidential involvement is expected to be significant until functioning civil authority is restored in the affected state.

The advantages of a Federal command are that it preserves U.S. sovereignty, leverages the Total Force, and establishes unity of command and effort. The disadvantages include the compromise of state sovereignty, political cost of federalizing the National Guard, and economic cost of taking charge of the response.

Not having a standardized approach for command and control of civil support events is detrimental because it complicates response effectiveness and cohesion when they are most needed. Acknowledging that every disaster response will be unique, determining the option that optimizes National Guard and Federal military C<sup>2</sup> is problematic.

## Recommendations

Recognizing that the first dual-status command in our nation's history was established in 2004, it is understandable that there is a reluctance to use it in a crisis when lives are on the line. However, when the benefits of a dual-status command and the polarizing effect that parallel commands have had on the Federal-state relationship are considered, it is counterproductive not to pursue the development of this hybrid arrangement. Therefore, the following recommendations should be adopted to guide DOD, USNORTHCOM, and NGB actions for developing dual-status command as the primary C<sup>2</sup> option for all domestic military civil support responses, including no-notice catastrophes, unless a Governor requests otherwise.

First, dual-status commanders should be preapproved to improve readiness and minimize bureaucratic obstacles during a contingency. Every state should certify at least two senior National Guard commanders in the Dual-Status Title 10/32 JTF Commander's course. This list of certified commanders should then be approved by USNORTHCOM and NGB and submitted to the respective state Governor for consent. Fol-

lowing the Governor's consent, the list should be coordinated with the Secretary of Defense and forwarded to the President for annual approval. This pool of preapproved commanders can then be quickly tapped for no-notice events. Finally, the President should issue a Presidential decision directive recognizing state and Federal responsibilities and order that dual-status command be used to the maximum extent practical for domestic operations. Following this directive, Governors should issue similar directives and gain approval from their respective state legislatures.

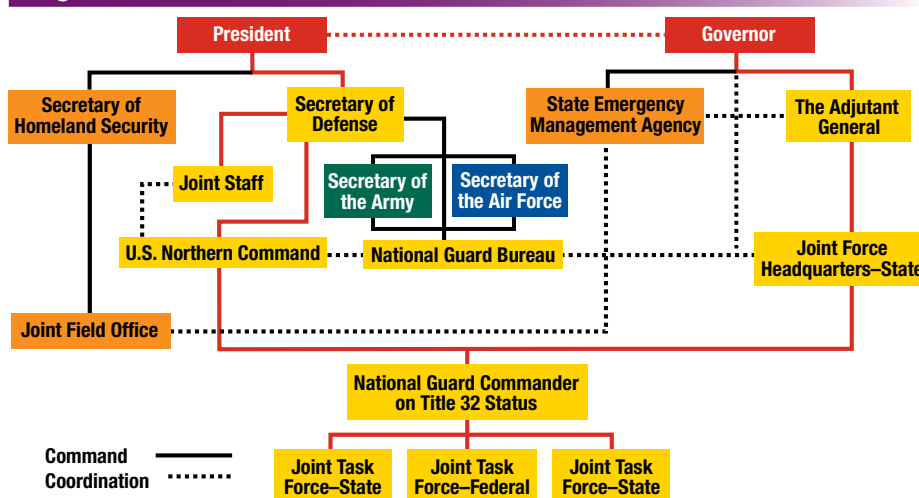
The second step in developing the expertise and competence required to execute a dual-status command is the training of future commanders and their staffs. Fortunately, a program sponsored by NGB in coordination

with USNORTHCOM is currently providing dual-status JTF commander certification. What is missing is similar training for National Guard and Active-duty personnel who will

*the advantages of a Federal command are that it preserves U.S. sovereignty, leverages the Total Force, and establishes unity of command and effort*

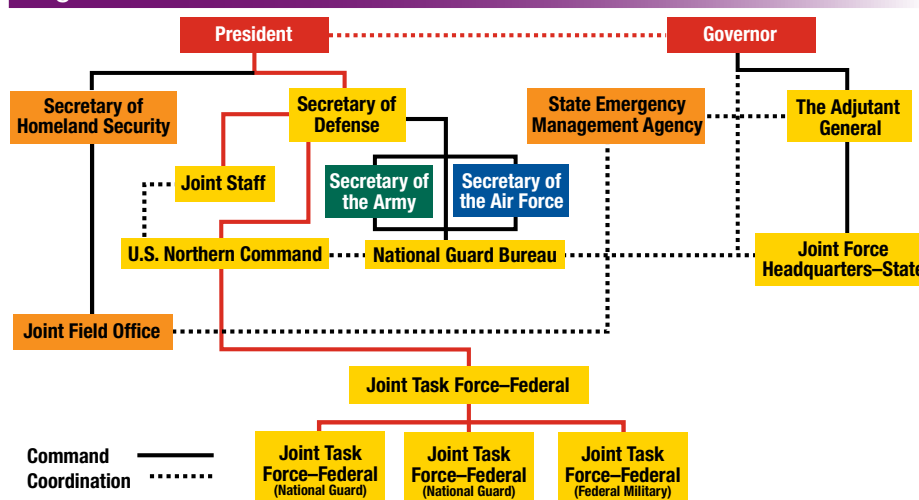
provide the staff functions for the dual-status commander. These command staff personnel must efficiently interoperate, effectively coordinate with interagency partners, plan for domestic operations, and be aware of the

Figure 4. Dual Status Command and Control



Source: Briefing, National Guard Bureau, March 30, 2007.  
Key: Red lines illustrate relative chain of command.

Figure 5. Federal Command and Control



Source: Briefing, National Guard Bureau, March 30, 2007.  
Key: Red lines illustrate relative chain of command.

legalities of combined state/Federal military operations.

Third, USNORTHCOM and National Guard exercises should be integrated to practice National Guard dual-status command, validate and refine plans, and provide National Guard and Federal leadership an opportunity to build relationships. This recommendation builds on developing staff expertise by exercising field units in tactical scenarios. Full-scale exercises that involve actual versus notional participants are key to refining blended state/Federal military operational issues, tactics, techniques, and procedures, which will be vital to delivering the maximum supporting or supported effects in a crisis. Additionally, exercises will help identify tactical, operational, and strategic issues with organizational structure, composition, and processes.

Fourth, it is recommended that each National Guard JFHQ-State in coordination with USNORTHCOM develop a dual-status concept of operations plan (CONPLAN) and draft a dual-status JTF memorandum of understanding for approval by the Secretary of Defense. The dual-status plan should address the five phases of support in CONPLAN 2501 with respect to dual-status command to ensure smooth staging, deployment, employment, and transition of Federal forces. Moreover, the CONPLAN should provide the guidance for operations plan (OPLAN) development and address the potential for states providing National Guard capability through mutual aid agreements and emergency management compacts. This will improve the planning transparency required to enhance Federal and state military operations and reduce confusion with interagency partners vertically and horizontally during execution. Additionally, developing dual-status triggers and embedding them into the concept of operations will reduce bureaucratic obstacles and streamline the establishment of dual-status commands, which in turn will increase the likelihood of their use.

Finally, DOD, USNORTHCOM, and NGB should advocate for congressional authorization for automatic Federal recognition of acting dual-status JTF commanders in a temporary grade of O-8 for the duration of the command. The senior flag officer rank of an O-8 is essential to execute the duties of a dual-status commander effectively due to the rank discrepancies between the National Guard and Federal military. Additionally, the rank of O-8 will eliminate many organizational culture authority issues that may impede a response.

The opportunity cost of adopting these recommendations is marginal compared to the benefits that a dual-status command can deliver. The principal financial investment is in the exercises and staff training required to refine the tactics, techniques, and procedures for dual-status operations. The cost of developing the CONPLAN, OPLANs, and staffing of certified dual-status commanders is negligible.

The primary consequence of taking these actions will be on the existing USNORTHCOM and National Guard exercise programs. In particular, USNORTHCOM will need to expand or modify its exercise program to accommodate these new requirements. Implementing these steps will likely lead to an expanded footprint of National Guardsmen serving in Title 10 status at USNORTHCOM and the establishment of an Active-duty presence at the NGB as a result of increased need for collaboration. This will likely meet resistance initially due to the organizational change and the strain it will place on all stakeholders, but as personnel are educated and gain experience, misconceptions will be dismissed because the practical benefits of dual-status command will become obvious. For example, DOD concern over serving under state command will be dispelled, because under a dual-status command, Federal military personnel are always under Federal command.

To be sure, developing a reliable dual-status command option in every state will take time and effort, but neglecting its development as a viable alternative for our civil leadership is counterproductive. Dual-status command can be a win-win approach for the Federal military, National Guard, and the American people if given a chance.

The Department of Defense, U.S. Northern Command, and the National Guard Bureau must act now to eliminate the barriers to implementing dual-status commands and reverse the counterproductive policy of relying exclusively on parallel command for contingency operations. Preapproving commanders, training staffs, integrating domestic exercises, developing coordinated plans, and providing the requisite authority to execute this command arrangement will lay the foundation for optimizing the choices that our civil and military leadership will need to respond successfully in future disasters. Delaying action on this front will further exacerbate tenuous relationships, waste valuable political capital, and put lives and property at risk unnecessarily. **JFQ**

## NOTES

<sup>1</sup> Richard B. Cheney, remarks before the Indiana Air and Army National Guard, Camp Atterbury, IN, October 20, 2006, available at <[www.whitehouse.gov/news/releases/2006/10/images/20061020-3\\_v102006db-0130jpg-515h.html](http://www.whitehouse.gov/news/releases/2006/10/images/20061020-3_v102006db-0130jpg-515h.html)>.

<sup>2</sup> As defined by the *Department of Defense Strategy for Homeland Defense and Civil Support* (Washington, DC: Department of Defense, 2005), *homeland defense* is the protection of U.S. sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression, or other threats as directed by the President.

<sup>3</sup> U.S. Code, *Homeland Defense Activities: Funds* (32 USC § 902), accessed September 15, 2007, at <[www.law.cornell.edu/uscode/html/uscode32/usc\\_sec\\_32\\_00000902----000-.html#FN-1REF](http://www.law.cornell.edu/uscode/html/uscode32/usc_sec_32_00000902----000-.html#FN-1REF)>.

<sup>4</sup> *Department of Defense Strategy for Homeland Defense and Civil Support*, 35.

<sup>5</sup> U.S. Executive Office of the President, *The Federal Response to Hurricane Katrina: Lessons Learned* (Washington, DC: The White House, February 2006), 43.

<sup>6</sup> Author interview with Brian Newby, chief of staff, Office of the Governor, Texas, December 4, 2007.

<sup>7</sup> Robert Block and Amy Schatz, "Local and Federal Authorities Battle to Control Disaster Relief," *Wall Street Journal*, December 8, 2005, available at <<http://online.wsj.com/article/SB113401254148017116.html>>.

<sup>8</sup> As defined by the *National Strategy for Homeland Security* (Washington, DC: Office of Homeland Security, July 2002), *homeland security* is the concerted national effort to prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks that do occur.

<sup>9</sup> National Guard Bureau, "Joint Force Headquarters-State Fact Sheet," available at <[www.ngb.army.mil/features/HomelandDefense/jfhq/JFHQ-State.doc](http://www.ngb.army.mil/features/HomelandDefense/jfhq/JFHQ-State.doc)>.

<sup>10</sup> Timothy J. Wright, director of operations, National Guard Bureau, "Keynote Address," available at <[http://proceedings.ndia.org/7030/Wright-Keynote\\_Brief.pdf](http://proceedings.ndia.org/7030/Wright-Keynote_Brief.pdf)>.

<sup>11</sup> Department of Homeland Security, *National Incident Management System* (Washington, DC: U.S. Government Printing Office, 2004), 11.

<sup>12</sup> Joint Publication (JP) 1, *Doctrine for the Armed Forces of the United States*, May 2007, IV-1.

<sup>13</sup> JP 3-16, *Joint Doctrine for Multinational Operations*, March 2007, II-7.